

## MINUTES OF THE 573<sup>rd</sup> MEETING OF THE OHIO TURNPIKE COMMISSION

May 24, 2011

**Chairman:** (10:03 a.m.) Good morning, will the meeting come to order? Will the Interim Assistant Secretary-Treasurer, please call the roll?

**Interim Assistant Secretary-Treasurer:** Chairman Balog

**Mr. Balog:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Regula

**Mr. Regula:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Pakush

**Mr. Pakush:** Yes

**Chairman:** Thank you. Commission Members Cole and Smith, and Senator Patton called to say they would be unable to attend today's meeting. We have a number of guests in the audience and keeping with past practices I would like everyone to introduce themselves, Myron.

**Those in attendance:** Martin Seekely, CFO/Comptroller, Ohio Turnpike; Debby Sideris, Executive Office, Ohio Turnpike; Jennifer Diaz, Legal Department, Ohio Turnpike; Kathy Weiss, Director of Contracts Administration and Government Affairs, Ohio Turnpike; David Miller, Director of Toll Audit, Ohio Turnpike; Captain Chris Zurcher, Ohio State Highway Patrol; Doug Hedrick, Assistant Chief Engineer, Ohio Turnpike; Tim Ujvari, Maintenance Engineer, Ohio Turnpike; Robin Carlin, Director of Human Resources, Ohio Turnpike; Jackie Regula, Visitor; Steve Mayor, IOUE 18; Mike Cramer; IOUE 18; Glen Stephens, G. Stephens; Lauren Hakos, Public Affairs & Marketing Manager, Ohio Turnpike; Sharon Isaac, Director of Toll Operations, Ohio Turnpike.

**Chairman:** Thank you this is the 573<sup>rd</sup> meeting of the Ohio Turnpike Commission. We are meeting here at the Commission's headquarters as provided for in the Commission's Code of Bylaws for a special meeting. Various reports will be received and we will act on several resolutions, draft copies have been previously been provided to the Members. Updated

drafts are now in the Members' folders, the resolutions will be explained during the appropriate reports. Any comments or questions, if not we will go into the resolutions, Chief Engineer.

**Chief Engineer:** Thank you Mr. Chairman. I have two resolutions and one brief report for you this morning. The first resolution is awarding Invitation No. 4161 for furnishing magnetic toll tickets that are used at our 31 toll plazas. The contract has a one-year term, with two possible one-year renewal terms. We received three bids in response to this subject Invitation. The lowest bid was submitted by Electronic Data Magnetic Incorporated of High Point, North Carolina, in the amount of \$240,965. The sample submitted by the bidder satisfactorily passed compliance testing. This bidder has satisfactorily performed work of this nature for the Commission in the past and the total amount bid is below the estimate for these goods. If the General Counsel will please read the Resolved?

**General Counsel:** RESOLVED that the bid of **Electronic Data Magnetics, Inc. of High Point, North Carolina**, in the total annual amount of **\$240,965.00** under Invitation No. 4161 is, and is by the Commission deemed to be the lowest responsive and responsible bid received and is accepted, and the Interim Executive Director and the Director of Contracts Administration are hereby authorized to: 1) execute a Contract with the successful bidder for a one-year period in the form heretofore prescribed by the Commission pursuant to the aforesaid Invitation, 2) exercise up to two possible, one-year renewal options upon satisfactory performance evaluations by the Toll Operations Department, 3) direct the return to each of the bidders of their bid security at such time as Electronic Data Magnetics, Inc. has entered into a Contract, and 4) take any and all action necessary to properly carry out the terms of said Contract.

**Chairman:** Is there a motion to adopt the resolution?

**Mr. Pakush:** So moved.

**Chairman:** Is there a second?

**Mr. Kidston:** Second.

**Chairman:** Even though we are dealing with a North Carolina company I was glad to see we had three bids and none of the companies were Ohio companies. Anybody else have comments?

**Mr. Dixon:** Mr. Chairman, I talked with Kathy before the meeting and she was and she explained to me that they did make an effort to get an Ohio company to bid and not only was it an Ohio company, but an MBE and they just didn't want it, so.

**Chairman:** Yeah, it is what it is.

**Mr. Dixon:** I appreciate that effort, thank you so much.

**Chairman:** Price was good at \$240,000 and considerably below the estimate.

**Mr. Dixon:** It goes a longer way down in North Carolina, you know.

**Chairman:** Please call the roll.

**Interim Assistant Secretary-Treasurer:** Mr. Pakush

**Mr. Pakush:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Regula

**Mr. Regula:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

#### **RESOLUTION NO. 27-2011**

##### **Resolution Awarding a Contract for the Furnishing of Cut and Rolled Magnetic Toll Tickets under Invitation No. 4161**

WHEREAS, the Commission has advertised for bids for Invitation No. 4161 for furnishing to the Commission cut and rolled magnetic toll tickets for a one-year period with two possible, one-year renewal terms; and

WHEREAS, it is anticipated that total Contract expenditures by the Commission for the above-described materials under Invitation No. 4161 will exceed \$150,000, and, therefore, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission action is necessary for the award of such Contract; and

WHEREAS, the three (3) bids received were reviewed by the Commission's Toll Operations Department, which also had sample tickets provided by the bidders field-tested for compliance with specifications and requirements set forth in the Commission's Bid Invitation; and

WHEREAS, the lowest bid was submitted by **Electronic Data Magnetics, Inc. of High Point, North Carolina** in the annual amount of **\$240,965.00**, based on the estimated quantities to be ordered by the Commission as set forth in the Invitation; and

WHEREAS, the Director of Toll Operations has advised that the sample tickets submitted by Electronic Data Magnetics, Inc. meet the specifications and requirements set forth in the Invitation, and further reports that the bid of Electronic Data Magnetics, Inc. is below the Commission's estimated expenditures for this Contract; and

WHEREAS, the Director of Toll Operations, therefore, has concluded that the bid of Electronic Data Magnetics, Inc. is the lowest responsive and responsible bid received and recommends award of the Contract for Invitation No. 4161 to said bidder; and

WHEREAS, the Commission has been advised by the Director of Contracts Administration that all bids for Contract No. 4161 were solicited on the basis of the same terms and conditions and the same specifications, and that all bids received conform to the Commission's Domestic and Ohio Preference Policy; and

WHEREAS, the Director of Contracts Administration has further advised that the bid of Electronic Data Magnetics, Inc. conforms to the requirements of Ohio Revised Code Sections 5537.07 and 9.312, and that a bid guaranty and performance bond of good and sufficient surety has been submitted by said bidder; and

WHEREAS, the Interim Executive Director has reviewed the reports of the Director of Toll Operations and the Director of Contracts Administration and, predicated upon such analysis, has made his recommendation to the Commission that Contract No. 4161 be awarded to the lowest responsive and responsible bidder, Electronic Data Magnetics, Inc. of High Point, North Carolina; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the bid of **Electronic Data Magnetics, Inc. of High Point, North Carolina**, in the total annual amount of **\$240,965.00** under Invitation No. 4161 is, and is by the Commission deemed to be the lowest responsive and responsible bid received and is accepted, and the Interim Executive Director and the Director of Contracts Administration are hereby authorized to: 1) execute a Contract with the successful bidder for a one-year period in the form heretofore prescribed by the Commission pursuant to the aforesaid Invitation, 2) exercise up to two possible, one-year renewal options upon satisfactory performance evaluations by the Toll Operations Department, 3) direct the return to each of the bidders of their bid security at such time as Electronic Data Magnetics, Inc. has entered into a Contract, and 4) take any and all action necessary to properly carry out the terms of said Contract.

**Chief Engineer:** Thank you the second resolution is a resolution awarding Invitation No. 4162 for furnishing gasoline and rejecting the bids for the same invitation for diesel fuel. This is for use in our maintenance vehicles owned by the Commission. The bid was divided into four groups. Groups I and II was furnishing for approximately 411,000 gallons of diesel fuel and Groups III and IV were furnishing approximately 267,000 gallons of unleaded gasoline. The contract has an initial term of twelve months with an option to extend for two

additional one-year periods. The bidders were permitted to submit bids on one or any combination of the four groups. Furthermore, bidders were required to submit a price differential per gallon over or under the weekly fuel prices as published by the Oil Price Information Services. We received five bids in response to Groups I and II, and four bids in response to Groups III and IV. The Maintenance Engineer has advised that the lowest bid for Group III and IV, the unleaded gasoline, was submitted by Petroleum Traders Corporation of Fort Wayne, Indiana in the amount of \$995,853. The bids in response to Groups I and II, we are recommending that they be rejected due to inconsistent reporting on the OPIS price listing for the B100 biodiesel fuel. We are recommending awarding Groups III and IV in the total blanket amount of \$1,100,000. We are going to do some more research between now and the next Commission Meeting on the B100 pricing and re-advertise the diesel fuel requirements. If the General Counsel would please read the Resolved?

**General Counsel:** RESOLVED that the bids received for Group I and Group II under Invitation No. 4162 should be rejected, and the Director of Contracts Administration is hereby directed to re-advertise for bids for ULSD and ultra low biodiesel blend fuel after identification of a more reliable pricing index for biodiesel fuel; and

FURTHER RESOLVED that the bids under Invitation No. 4162 of **Petroleum Traders Corporation of Fort Wayne, Indiana**, for both Group III and Group IV, are and are by the Commission deemed to be the lowest responsive and responsible bids received and are accepted, and the Interim Executive Director or the Director of Contracts Administration, or either of them, is hereby authorized: 1) to execute a single Contract in the blanket amount of **\$1,100,000.00** with **Petroleum Traders Corporation of Fort Wayne, Indiana** in the form heretofore prescribed by the Commission pursuant to the aforesaid Invitation, 2) to direct the return to the bidders of their bid securities, when appropriate, 3) to take any and all action necessary to properly carry out the terms of said Contract, and 4) to determine whether the Contract should be extended pursuant to the two, one-year options set forth therein, pending satisfactory performance evaluations by the Maintenance Engineer.

**Chairman:** Is there a motion to adopt?

**Mr. Regula:** So moved.

**Chairman:** Second?

**Mr. Pakush:** Second.

**Chairman:** Motion before us, can either Tim or Kathy or Dan, can you explain to us the re-advertisement issue because of the identification of a more reliable pricing index for biodiesel fuel?

**Chief Engineer:** Mr. Chairman I can give you a little bit of background into the biodiesel and then I think I will turn it over to Kathy, even though she is losing her voice today. Governor Strickland authored Executive Order 2007-02S that mandated 25% of the diesel fuel used in state fleets be of a biodiesel type material. Although that Executive Order expired when

Governor Strickland left office, it is my understanding that ODOT is still purchasing this material. So first of all we are investigating if we are still required to use this material, biodiesel fuel is quite a bit more expensive than the ultra low sulfur diesel fuel. To give you an idea B100 biodiesel is approximately \$7.00 a gallon, the ultra low sulfur is \$3.50 per gallon; now when you blend that down to a B20 that we use in our fleets, it is still approximately 20% more than what we would use for the low sulfur material. That gives you background on the use of the material. Kathy if you want to advise on the rebidding mechanism.

**Director of Contracts Administration:** I do apologize for my voice, two things I want to mention, first of all the Cleveland pricing for B100 is not consistent, no longer available, so we are working on identifying a new location where we can identify B100 pricing. It may not even be through OPIS, but according to Tim Ujvari, our Maintenance Engineer, it is probably going to come out of Columbus. The second point I want to make is that Dan is correct. The statute that governs the purchase and requirement that state fleet vehicles use a combination of biodiesel also indicates that the pricing needs to be reasonable. At the moment that pricing hasn't been reasonable, we are going to be continuing to evaluate that and hopefully in conjunction with ODOT on how much we will need to purchase in the future. And then the third thing is that with respect to the way this kind of skewed the bids that we received for the ultra low sulfur diesel as well within those two groupings, it was our feelings that we should reject both bids for ultra low sulfur diesel and the biodiesel fuel and go back out to bid, make sure we have the right type of pricing index to get the pricing off of and then come back to the Commission with a contract.

**Chairman:** And when does our current contract expire?

**Director of Contracts Administration:** The current contract for both unleaded and diesel expires in July; however we are pretty confident that we can top off our tanks out in the field and get back out to bid for the diesel without a problem.

**Chairman:** Any questions, Commission Members? Mr. Dixon.

**Mr. Dixon:** So the average price per gallon that we are paying is around \$3.80, would you say?

**Chairman:** Tim do you have that?

**Maintenance Engineer:** The ULSD in April was set at \$3.50 a gallon; that is under the OPIS. The biodiesel B100 was set at \$7 per gallon, but we do get a \$1 federal tax credit on that, bringing it down to \$6, but once you blend them to the B20, it's adding about fifty cents per gallon based on those unit prices.

**Mr. Dixon:** And, okay thank you. Please don't, I am not, I'm not well spoken on this, so okay, but we are in a program at GCRTA, where we are and for a lack of a better word, futures and we got in at the right time and we are paying like below \$3 for gas right now, we are at two something. We are actually making money on our fuel and I don't know if this is something that we can do here, and look into, it's you know, I am almost embarrassed at how we

had objected going into the program at first, but it just turned out to be a winner for us. If you want to get with me I will get you the person to call over there, it may not hurt to look at it, but it's been a windfall for us.

**Director of Contracts Administration:** Mr. Chairman, Commission Member Dixon absolutely if there is information that can save the Commission money we would love to learn about it for both types of fuel, so...

**Mr. Dixon:** I would be glad to.

**Director of Contracts Administration:** Thank you.

**Chairman:** Thank you.

**Mr. Dixon:** Sure.

**Chairman:** Please call the roll.

**Interim Assistant Secretary-Treasurer:** Mr. Regula

**Mr. Regula:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Pakush

**Mr. Pakush:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

#### **RESOLUTION NO. 28-2011**

##### **Resolution Awarding a Contract for the Purchase of Regular Unleaded Gasoline/Ethanol Blend and Rejecting All Bids for Ultra Low Sulfur Diesel Fuel and Ultra Low Biodiesel Blend Fuel**

WHEREAS, the Commission has advertised for bids for Invitation No. 4162 for furnishing and delivery to the Commission's eight maintenance buildings of approximately

411,000 gallons of ultra low sulfur diesel (“ULSD”) fuel and ultra low biodiesel blend fuel (Group I and Group II), and approximately 267,000 gallons of unleaded gasoline/ethanol blend fuel (Group III and Group IV), for a twelve (12) month period, with an option to extend the ensuing Contract(s) for two (2) additional one-year periods; and

WHEREAS, the expenditures of the Commission for fuel purchased under Invitation No. 4162 will exceed \$150,000.00 and, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission action is necessary for the award of such Contract; and

WHEREAS, bidders were asked to state the price differential per gallon that they would charge from the Oil Price Information Service (“OPIS”); and

WHEREAS, five bids were received for Group I and Group II, and four bids were received for Group III and for Group IV, which bids were reviewed by the Maintenance Engineer whose report is before the Commission; and

WHEREAS, the Maintenance Engineer has indicated that the bids received for Group I and Group II appear to be inconsistent and should be rejected due to the fact that the OPIS Index for Cleveland, Ohio referenced in the Bidding Documents has recently become inconsistent in its publication of the “B100 SME Biodiesel” price, and is, therefore, no longer a reliable source for computing the cost of biodiesel blend fuel as called for under the Invitation; and

WHEREAS, the Maintenance Engineer has indicated that the lowest responsive and responsible bids for both Group III (Maintenance Buildings west) and Group IV (Maintenance Buildings east) were submitted in the amount of **\$995,853.00** by **Petroleum Traders Corporation of Fort Wayne, Indiana** (“Petroleum Traders”), and this bidder proposes to furnish materials and services in accordance with the Commission's specifications; and

WHEREAS, the Maintenance Engineer has estimated the quantities of unleaded gasoline/ethanol blend fuel required during the next year for Group III and Group IV combined at **267,000 gallons**, and, taking into consideration the possibility of further price increases in the volatile unleaded gasoline market, has recommended that a Contract be established with Petroleum Traders in the blanket amount of **\$1,100,000.00**; and

WHEREAS, the Director of Contracts Administration has advised the Commission that it has the authority to reject all bids received for both Group 1 and Group II pursuant to the Bidding Documents as well as Ohio Revised Code Section 5537.07(A); and

WHEREAS, the Director of Contracts Administration has also advised the Commission that all bids for Invitation No. 4162 were solicited on the basis of the same terms and conditions and the same specifications, and that all bids received for both Group III and Group IV qualify for consideration under the Commission’s Domestic and Ohio Preference Policy; and

WHEREAS, the Director of Contracts Administration has further advised the Commission that the bids of Petroleum Traders for both Group III and Group IV conform to the



requirements of Ohio Revised Code Sections 5537.07 and 9.312, and that a performance bond with good and sufficient surety has been submitted by said bidder; and

WHEREAS, the Interim Executive Director has reviewed the reports of the Maintenance Engineer and the Director of Contracts Administration and, predicated upon such analysis, has made his recommendation to the Commission that all bids for Group I and Group II be rejected and re-advertised upon identification of a more reliable pricing index for biodiesel fuel, and that one Contract be awarded to the lowest responsive and responsible bidder for both Group III and Group IV, Petroleum Traders Corporation; and

WHEREAS, should the quantities of unleaded gasoline/ethanol blend purchased exceed the number of gallons estimated by the Maintenance staff by more than ten percent (10%), the Commission will be presented with a new resolution to increase said estimated quantities; and

WHEREAS, the Commission has duly considered such recommendation.

NOW, THEREFORE, BE IT

RESOLVED that the bids received for Group I and Group II under Invitation No. 4162 should be rejected, and the Director of Contracts Administration is hereby directed to re-advertise for bids for ULSD and ultra low biodiesel blend fuel after identification of a more reliable pricing index for biodiesel fuel; and

FURTHER RESOLVED that the bids under Invitation No. 4162 of **Petroleum Traders Corporation of Fort Wayne, Indiana**, for both Group III and Group IV, are and are by the Commission deemed to be the lowest responsive and responsible bids received and are accepted, and the Interim Executive Director or the Director of Contracts Administration, or either of them, is hereby authorized: 1) to execute a single Contract in the blanket amount of **\$1,100,000.00** with **Petroleum Traders Corporation of Fort Wayne, Indiana** in the form heretofore prescribed by the Commission pursuant to the aforesaid Invitation, 2) to direct the return to the bidders of their bid securities, when appropriate, 3) to take any and all action necessary to properly carry out the terms of said Contract, and 4) to determine whether the Contract should be extended pursuant to the two, one-year options set forth therein, pending satisfactory performance evaluations by the Maintenance Engineer.

**Chief Engineer:** The final item I have this morning Mr. Chairman is an update on our speed limit increase that took effect on April 1<sup>st</sup>. The Commission Members may have seen reported in the media this weekend the initial results of an aerial speed survey that was taken by the Highway Patrol that I received a day after our last Commission Meeting. Up on your screen is a slide of the presentation that I gave to the Commission in December, with the addition of the aerial speed surveys that were taken at the beginning of this month. Basically the average speeds for cars increased 2.2 miles-per-hour and the average truck speeds increased 1.5 miles-per-hour. Which if the Commission recalls was right in line with our estimates on the data we took from the studies in Iowa and Kentucky; we were expecting a one to two mile-per-hour increase. Some of the media reports indicated that the truck speeds increased four mile-per-hour, but if you take the averages of the speed limit surveys since August 2006, since our speed increase of 65 miles-

per-hour on the commercial vehicles, it is actually 1.5. I would be happy to answer any questions. That completes my report Mr. Chairman.

**Chairman:** When you say the 85<sup>th</sup> percentile, is that the estimate that they used at what your traffic is going? Or did they use the average speed?

**Chief Engineer:** Mr. Chairman you may recall, 85<sup>th</sup> percentile is strictly an engineering term, measuring the free flow of traffic on a roadway. It is the speed at which 85% of the traffic is traveling at or below. So what you do is if you have a 100 speed limit readings, you line them up from the lowest to the greatest, you come down you pick out the 85 number and that is your 85<sup>th</sup> percentile. Generally it's a feeling, a comfort zone feeling of free flow travel by a vehicle.

**Chairman:** Interesting that even though the Trucker's Association said that people, the truckers won't use the roadway and we have had an uptick in commercial traffic and the average speed and the 85<sup>th</sup> percentile for the commercial vehicles have both gone up.

**Chief Engineer:** One, leading on that comment Mr. Chairman, I took a look at our traffic numbers beginning the May, our passenger vehicle traffic is down 6.7% for the first two weeks in May, while our commercial vehicle traffic is up just under 1%, so we are obviously we relating the passenger vehicles to fuel costs, but it is a good sign that the commercials are up even slightly.

**Mr. Pakush:** Mr. Chairman, Dan you mention that the 85<sup>th</sup> percentile is an engineering term through a speed study. Was there a formal engineering speed study prepared recently for the Turnpike, or is this strictly using data from the Ohio Patrol?

**Chief Engineer:** No Mr. Chairman, Commission Member Pakush what we did, we used basically studies that were performed, I did a report in December, I would more than happy to forward that to you, it's a PowerPoint. We used data that was obtained during similar studies in Illinois; pardon me Iowa and Kentucky on their rural interstates. We also had some good data, showing what happened back in September of 2005, when we increased the speed limit for the commercial vehicles from 55 to 65. So we took all that data and kind of interpolated what would happen here and we're basically finding that it is right on.

**Mr. Pakush:** Do you think it might be worthwhile to actually do a formal speed study through an engineering analysis that through the procedures of developing that formal speed study? There are procedures in place that dictate how a speed study should be prepared through ODOT cell and D manuals, or whenever we look into changing or reducing speed limits, we follow a set procedure on a speed study. Is that something that you might want to prepare?

**Chief Engineer:** If the Commission so desires, we would be more than happy to entertain such a study.

**Mr. Pakush:** I'd like to see a, although I know the Highway Patrol surveys are accurate and they do a great job with their tracking speeds on the Turnpike, but I would be curious to compare that data to a formal speed study through an engineering firm.

**Chief Engineer:** One thing to note is that all these speed studies are performed by aircraft, so they don't see the vehicle on the road to influence the actual speeds.

**Chairman:** Are these also, these are done aerial?

**Chief Engineer:** These are all aerial by the Highway Patrol.

**Mr. Pakush:** I am not proposing that we do it at this time, other than just for conversation purposes.

**Chairman:** I think it's interesting looking at the data that really our, if you look back, August 2006 to now, our passenger car average speed is up two miles, 85<sup>th</sup> percentile is up one mile-an-hour; truck is up one and 85<sup>th</sup> percentile is up three, I think all we need to do is have the Highway Patrol do a little bit more work on the passenger cars, which I am sure they'll, I saw in the paper that they are in fact working on and I think we will be in pretty good shape. I think we accomplished what we wanted to and from a standpoint of bringing a little bit more commercial traffic to the road. You know when you see the 6% drop off on passenger car and 1% increase on commercial I assume that if fuel prices hadn't changed so drastically that the commercial would have been up a little higher also. Thank you for the information. Next we will go to, anything further from the Chief Engineer?

**Chief Engineer:** That completes my report, oh I am sorry.

**Chairman:** Further Chief Engineer? Thank you, next General Counsel Noelle.

**General Counsel:** Mr. Chairman, Commission Members, I have two proposed resolutions for your consideration. The first resolution would authorize the appointment of David O. Regula as the Executive Director. As you know the former Executive Director, George Distel, retired at the end of March and the Chief Engineer has been serving as the Interim Executive Director and it has been recommended to the Commission that David O. Regula be appointed as the new Executive Director effective June 20, 2011. The Code of Bylaws of the Commission dated March 17, 2003, do authorize the Chairman to execute documents on behalf of the Commission and it has been recommended that the Chairman of the Commission establish the terms and conditions of the appointment of Mr. Regula. With your permission Mr. Chairman, I will read the Resolved?

**Chairman:** Please.

**General Counsel:** RESOLVED that David O. Regula be, and hereby is appointed to the position of Executive Director of the Commission to be effective June 20, 2011, 12:00 a.m. Eastern Daylight Saving Time, to serve at the pleasure of the Commission and the terms and

conditions of his employment shall be established by the Chairman of the Commission in accordance with Article 1, Section 2.0 of the Code of Bylaws dated March 17, 2003; and

FURTHER RESOLVED, that David O. Regula shall be authorized to perform all of the duties and powers granted to the Executive Director as governed by Article V, Section 1.00 of the Code of Bylaws of the Commission dated March 17, 2003; and

FURTHER RESOLVED that the Chairman is authorized to execute all paperwork necessary to employ David O. Regula as the new Executive Director and to effectuate the provisions of this resolution; and

FURTHER RESOLVED, that the Chief Engineer shall continue to serve as the Interim Executive Director of the Commission until such time as the new Executive director has taken office;

FURTHER RESOLVED that the above-mentioned action is confirmed as having taken place at this meeting in accordance with law and the Commission's Code of Bylaws and the Secretary-Treasurer is directed to enter this resolution in the journal of the Commission as a record thereof.

**Chairman:** Is there a motion to adopt?

**Mr. Pakush:** So moved.

**Chairman:** Is there a second?

**Mr. Kidston:** Second.

**Chairman:** I have a question, it that an Irish name, O'Regula?

**Mr. Regula:** It is actually Swiss.

**Mr. Dixon:** I tell the jokes, Mr. Chairman.

**Chairman:** I picked up on it. Any comments or questions? Please call the roll.

**Interim Assistant Secretary-Treasurer:** Mr. Pakush

**Mr. Pakush:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Regula

**Mr. Regula:** I'll abstain.

**RESOLUTION NO. 29-2011**

**Resolution Authorizing the Appointment of David O. Regula  
as Executive Director**

WHEREAS; the Chairman has recommended to the Commission that David O. Regula be appointed as the new Executive Director effective June 20, 2011, and the Commission concurs with said recommendation; and

WHEREAS, the Commission members have determined it is in the best interest of the Commission that the Executive Director serve at the pleasure of the Commission and his initial salary be established by the Chairman of the Commission in accordance with the authority granted under Article I, Section 2 of the Code of Bylaws dated March 17, 2003; and

WHEREAS, the Commission Members have agreed that the Chairman should be authorized to execute all documents necessary to employ and establish the terms of employment and compensation of the Executive Director.

NOW, THEREFORE, BE IT

RESOLVED that David O. Regula be, and hereby is appointed to the position of Executive Director of the Commission to be effective June 20, 2011, 12:00 a.m. Eastern Daylight Saving Time, to serve at the pleasure of the Commission and the terms and conditions of his employment shall be established by the Chairman of the Commission in accordance with Article 1, Section 2.0 of the Code of Bylaws dated March 17, 2003; and

FURTHER RESOLVED, that David O. Regula shall be authorized to perform all of the duties and powers granted to the Executive Director as governed by Article V, Section 1.00 of the Code of Bylaws of the Commission dated March 17, 2003; and

FURTHER RESOLVED that the Chairman is authorized to execute all paperwork necessary to employ David O. Regula as the new Executive Director and to effectuate the provisions of this resolution; and

FURTHER RESOLVED, that the Chief Engineer shall continue to serve as the Interim Executive Director of the Commission until such time as the new Executive director has taken office;

FURTHER RESOLVED that the above-mentioned action is confirmed as having taken place at this meeting in accordance with law and the Commission's Code of Bylaws and the Secretary-Treasurer is directed to enter this resolution in the journal of the Commission as a record thereof.

**Chairman:** Passes four to nothing. Thank you, congratulations. Would you introduce a special guest that is in the audience today?

**Mr. Regula:** I couldn't have done this without my wife, Jacqueline, so I appreciate your support.

**Mr. Kidston:** I was wondering if we should ask the audience for any objections.

**Chairman:** Start a new category, audience participation. I didn't think you were going to get it there, cause he was kind of on the end there.

**Mr. Dixon:** I was just wondering if he had to sit next to me now?

**Interim Executive Director:** Yeah, he is going to move, sit right here.

**Mr. Dixon:** Jeez, okay.

**Chairman:** A rose between two thorns.

**Mr. Dixon:** Yeah, there you go.

**Chairman:** I'm sorry, go ahead Noelle.

**General Counsel:** Mr. Chairman I have a second proposed resolution for the Commission's consideration. As you know the position of Assistant Secretary-Treasurer is established by Commission's Code of Bylaws dated March 17, 2003, the Assistant Secretary-Treasurer performs those duties in the absence of the Secretary-Treasurer. The Secretary-Treasurer, George Dixon has recommended that David, the Executive Director, the new Executive Director, David O. Regula be appointed to the position of Assistant Secretary-Treasurer effective June 20, 2011, and has requested that the Commission assent to said appointment as required by the Code of Bylaws. With your permission I will read the Resolved?

**Chairman:** Please.

**General Counsel:** RESOLVED that David O. Regula be, and hereby is, appointed to the position of Assistant Secretary-Treasurer of the Ohio Turnpike Commission effective June 20, 2011, and is further authorized to perform all duties set forth in Article I, Section 5.10 of the Commission's Code of Bylaws dated March 17, 2003.

FURTHER RESOLVED that the above-mentioned action is confirmed as having taken place at this meeting in accordance with law and the Commission's Code of Bylaws and the Secretary-Treasurer is directed to enter this resolution in the journal of the Commission as a record thereof.

**Chairman:** Motion to adopt?

**Mr. Kidston:** So moved.

**Chairman:** Second.

**Mr. Dixon:** Second.

**Chairman:** Questions? Please call the roll.

**Interim Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Pakush

**Mr. Pakush:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Regula

**Mr. Regula:** Abstain.

## **RESOLUTION NO. 30-2011**

### **Resolution Confirming Appointment of David O. Regula as Assistant Secretary-Treasurer**

WHEREAS, Secretary-Treasurer George F. Dixon, was elected to the position of Secretary-Treasurer by resolution of the Commission passed on July 16, 2007; and

WHEREAS, the Secretary-Treasurer of the Commission is authorized to appoint the Assistant Secretary-Treasurer with the assent of the Commission pursuant to Article I, Section 1.00 of the Commission's Code of Bylaws adopted on March 17, 2003; and

WHEREAS, the Secretary-Treasurer wishes to appoint the new Executive Director David O. Regula to the position of Assistant Secretary-Treasurer effective June 20, 2011, and has requested that the Commission assent to said appointment as required by the Code of Bylaws; and

NOW, THEREFORE BE IT

RESOLVED that David O. Regula be, and hereby is, appointed to the position of Assistant Secretary-Treasurer of the Ohio Turnpike Commission effective June 20, 2011, and is further authorized to perform all duties set forth in Article I, Section 5.10 of the Commission's Code of Bylaws dated March 17, 2003.

FURTHER RESOLVED that the above-mentioned action is confirmed as having taken place at this meeting in accordance with law and the Commission's Code of Bylaws and the Secretary-Treasurer is directed to enter this resolution in the journal of the Commission as a record thereof.

**Chairman:** Any further business? Does the Highway Patrol have anything to report today or are you going to save that for the next scheduled meeting?

**Captain Zurcher:** I'll save that for the next meeting sir.

**Chairman:** Okay anything further before the Commission? Entertain a motion to adjourn to the Monday, June 20<sup>th</sup>, which is the next regularly scheduled meeting.

**Mr. Dixon:** So moved.

**Chairman:** Is there a second?

**Mr. Kidston:** Second.

**Chairman:** Please call the roll.

**Interim Assistant Secretary-Treasurer:** Mr. Dixon



**Mr. Dixon:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Pakush

**Mr. Pakush:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Regula

**Mr. Regula:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

**Chairman:** Thank you. We'll see you on June 20<sup>th</sup> at 10:00 a.m.

Time of adjournment is 10:27 a.m.

Approved as a correct transcript of the proceedings of the Ohio  
Turnpike Commission

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Daniel F. Castrigano, Interim Assistant Secretary-Treasurer